



U.S. Department of Justice
Civil Division, Federal Programs Branch
950 Pennsylvania Ave., NW
Washington, DC 20530

By ECF

October 20, 2022

The Honorable Frederic Block
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 10007

Re: *Tanya Asapansa-Johnson Walker, et al. v. Xavier Becerra, et al.*, No. 20-cv-02834 (FB) (VMS)

Dear Judge Block:

On behalf of the parties to this Action, undersigned counsel respectfully submit this status report letter as to the progress of the United States Department of Health and Human Services's ("HHS") proposal to revise its regulations implementing Section 1557 of the Affordable Care Act. On August 4, 2022, the proposed regulation was published in the Federal Register. Nondiscrimination in Health Programs and Activities, 87 Fed. Reg. 47,824 (Aug 4, 2022). HHS sought comment on all issues raised by the proposed regulation. The comment period recently closed, on October 3, 2022. According to regulations.gov, HHS has received more than 75,000 comments on the proposed regulation.

The parties agree that proceedings in this Action should remain stayed pending the completion of the ongoing administrative rulemaking proceeding, without prejudicing either party's right to seek leave of Court to lift the stay for good cause. Should the Court have any questions or concerns, the parties are happy to appear for a telephonic status conference.

Respectfully submitted,

EDWARD J. JACOBS

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

/s/ Edward J. Jacobs
Baker & Hostetler LLP
45 Rockefeller Plaza
New York, New York 10111
Telephone: (212) 589-4200
Facsimile: (212) 589-4201
Email: ejacobs@bakerlaw.com

MICHELLE R. BENNETT
Assistant Branch Director

/s/ Liam C. Holland
LIAM C. HOLLAND
Trial Attorney
United States Department of Justice
Civil Division, Federal Programs Branch
1100 L Street NW
Washington, D.C. 20005
Telephone: (202) 514-4964
Facsimile: (202) 616-8470
Email: Liam.C.Holland@usdoj.gov

Counsel for Plaintiffs

Counsel for Defendants